

U.S. DISTRICT COURT, EASTERN DISTRICT OF WISCONSIN  
Operating Engineers Local 139 Health  
Benefit Fund, et al.,  
Judgment Creditor  
v.  
Tracks Custom Crushing, Inc.,  
Judgment Debtor  
v.  
Payne & Dolan, Inc.,  
Garnishee

**Garnishment  
Summons and Complaint  
For Non-Earnings**

**Case No. 09-C-0044**

TO THE GARNISHEE:

You are summoned as garnishee of the debtor(s). Within 20 days after you have been served with this summons and complaint, you are required to answer as described in §812.11, Wis. Stats. whether you are indebted to or have in your possession or under your control any property of the debtor(s). You must file the original of your answer with the Clerk of the United States District Court for the Eastern District of Wisconsin and serve a copy on the creditor's attorney or creditor.

If you fail to answer, judgment will be entered against you for the amount of the creditor's judgment against the debtor plus the costs of this action.

If you are indebted to the debtor for the sale of agricultural products grown or produced by a person or his or her minor children, you are required to pay the debtor the prescribed subsistence allowance under §812.18(2m)(b), Wis. Stats.

From the balance remaining after any subsistence allowance has been paid and for all other garnishments, you must retain the amount of creditor's claim as stated below, plus costs not to exceed \$40.

You are to retain this property pending the further order of the court. Any excess indebtedness is not subject to the garnishment as provided in §812.18(3), Wis. Stats.

Signature of the Attorney /s/ Laura M. Finnegan	Date October 30, 2009
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/s/ Deputy Clerk

**CREDITOR'S CLAIM**

THE CREDITOR STATES that a judgment, as described below, was entered in Federal Court:

Name of Debtor(s) Tracks Custom Crushing, Inc.		
Case Number 09-C-0044	Date of Entry of Judgment May 6, 2009	Amount of Judgment \$68,534.13

and that this summary provides the total amount due over and above all offsets.

Creditor's Claim \$68,534.13	Costs	Interest	Total Due on Creditor's Claim \$68,534.13
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The creditor believes that the garnishee is indebted to or has control or possession over property of the debtor which is not exempt from execution.

Signature of Creditor/Attorney /s/ Laura M. Finnegan	Date 10/30/09
Address Laura M. Finnegan Baum Sigman, et al. 200 W. Adams St., Suite 2200 Chicago, IL 60606	Attorney's Telephone No. 312/236-4316

# AFFIDAVIT OF SERVICE

[ ] Milwaukee Co. [ ] Racine Co. [ ] Kenosha Co. [ ] Waukesha Co. [ ] Washington Co. [ ] \_\_\_\_\_ Co.

STATE OF WISCONSIN  
Milwaukee County} ss

Case No. 09 C 0044

Court Date: \_\_\_\_\_

Document(s) attached: [ ] Summons & Complaint [ ] Subpoena [ ] Subpoena Duces Tecum [ ] Check in the amount of \$ 300 Travel or Witness Fee  
[ ] Order to Appear before a Court Commissioner [ ] Order [ ] Motion [ ] Order to Show Cause [ ] Summons [ ] Set of Written Interrogatories  
[ ] Request for Production of Documents [ ] Jury Demand

Other (2) COPIES, GARNISHMENT SUMMONS + COMPLAINT FOR NON-EARNINGS

## Corporate Service

I, Chris Kratochvil, being duly sworn on oath, state I am an adult resident of this State. I am not a party to the legal action of the attached document(s) which was/were served upon the below named party and endorsed as required by Wis. Stats. 801(10)(2).

PAYNE + DOLAN Inc and leaving with

CHARLES BECHTHOLD V. P.

[ ] Officer [ ] Registered Agent [ ] Person Apparently in Charge [ ] Managing Agent [ ] Authorized Agent [ ] Person Design to Receive Legal Process

Address N 3 W 23650 BADINGER RD [ ] City of Milwaukee or [ ] WAUKESHA WI.

on the 11 day of Nov. 2009 1020 a.m. [ ] p.m. a true and correct copy of the said documents informing Him of the contents thereof of.

## Garnishee Service [ ] Earnings [ ] Non Earnings

I, \_\_\_\_\_, as an agent for State process Service, Inc. being duly sworn on oath state that I am an adult resident of the State of Wisconsin and that I am not a party to the action to which this affidavit is attached. I further swear that I did serve the above identified attached document in the above entitled action, hereto annexed, upon the named garnishee identified as:

\_\_\_\_\_ by leaving with \_\_\_\_\_

Address \_\_\_\_\_ [ ] City of Milwaukee or [ ] \_\_\_\_\_ WI

person in charge, personally, a true and correct (authenticated) copy thereof paying the legal fee of \$ \_\_\_\_\_ at \_\_\_\_\_ [ ] a.m. [ ] p.m.

on the \_\_\_\_\_ of \_\_\_\_\_ 2009

## Court Commissioner Service

I, \_\_\_\_\_, as an agent for State Process service, Inc. being duly sworn on oath state that I am an adult resident of the State of Wisconsin and that I am not a party to the action to which this affidavit is attached. I further swear that I did serve the above identified attached

document in the above entitled action by delivering to and leaving with \_\_\_\_\_ a true and correct

(authenticated) copy thereof exhibiting to \_\_\_\_\_ the original signed by the Honorable \_\_\_\_\_ [ ] Judge [ ] Court Commissioner

at Address \_\_\_\_\_ [ ] City of Milwaukee or [ ] \_\_\_\_\_ WI

on the \_\_\_\_\_ day of \_\_\_\_\_ 2009 at \_\_\_\_\_ [ ] a.m. [ ] p.m.

Subscribed and sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 2009

Notary Public

My Commission expires \_\_\_\_\_

STATE PROCESS SERVICE, INC.

\_\_\_\_\_ OF \_\_\_\_\_ AFFIDAVITS

Fee for Service : \_\_\_\_\_

Fees: Mileage \_\_\_\_\_ @ \_\_\_\_\_ / mile: \_\_\_\_\_

Fees: Hourly \_\_\_\_\_ @ \$ \_\_\_\_\_ /hr \_\_\_\_\_

Special Fees:: \_\_\_\_\_